

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE NYC BUS TOUR ANTITRUST	)	Master Case File No. 13-CV-0711
LITIGATION	)	
_____	)	<b>DECLARATION OF SHANNON R.</b>
	)	<b>WHEATMAN, PH.D. IN SUPPORT</b>
This Document Relates to:	)	<b>OF PLAINTIFFS' MOTION FOR</b>
	)	<b>APPROVAL OF CLAIMS</b>
ALL CASES	)	<b>STIMULATION PLAN</b>
	)	

I, Shannon R. Wheatman, being duly sworn, hereby declare as follows:

1. I am President of Kinsella Media, LLC (“KM”), an advertising and notification firm in Washington, D.C. specializing in the design and implementation of class action and bankruptcy notification programs. My business address is 2001 Pennsylvania Avenue, NW, Suite 300, Washington, D.C. 20006. My telephone number is (202) 686-4111.

2. In the above referenced matter, *In re NYC Bus Tour Antitrust Litigation*, I was asked by Class Counsel to design a Notice Plan to inform Class Members about the upcoming deadline to file a claim in the proposed Settlement. In the “Declaration of Shannon R. Wheatman, Ph.D. In Support of Motion for Preliminary Approval of Class Action Settlement Re: Adequacy of Notice Program” dated May 16, 2014 and submitted along with my C.V., I detailed my class action notice experience, my leadership in the form and content of class action notice and my publications on notice and due process. I also provided my educational and professional experience relating to class action and my ability to render opinions on the overall adequacy of the notice program.

3. KM was retained to design and implement the Supplemental Notice Program in this litigation. I submit this declaration to describe the elements of the Notice Program.

## **NOTICE PROGRAM SUMMARY**

4. The proposed Notice Program was designed as an additional push leading up to the claim-filing deadline.

5. KM will implement a notice program that utilizes paid media with Internet ad networks, earned media outreach, and social media.

### **Direct Notice**

6. A partial list of Class Members was previously compiled based on information provided by defendants. A reminder Email or Postcard Notice will be sent to those persons or entities that have been identified as ticket purchasers and have not yet filed a claim. Attached as **Exhibit 1** are copies of the Email and Postcard Notice.

### **Paid Media**

7. KM recommends using highly targeted Internet advertising to reach potential class members. KM will place online banner ads using channel placement, contextual targeting, and behavioral targeting to reach the target audience. Banner ads will be placed on a variety of targeted websites, blogs, and forums to reach potential class members who have purchased a “hop-on, hop off” bus tour in New York City.

a. Channel Placement: Placing ads on leading websites that mirror the interests of the target audience (including destination, travel, or travel booking websites). Channels may include: [travelandleisure.com](http://travelandleisure.com), [usatourist.com](http://usatourist.com), or [travelzoo.com](http://travelzoo.com).

b. Contextual Targeting: Displaying banner ads on websites with editorial content that directly correlates with the ad content based on keywords/phrases. Editorial content may include travel-related content such as, [nycgo.com/toursandattractions](http://nycgo.com/toursandattractions), [travel.aol.com](http://travel.aol.com), or [yahoo.com/travel](http://yahoo.com/travel).

c. Behavioral Targeting: Targeting people who previously viewed or searched for information on NYC trips, top tourist attractions, things to do in NYC, or sightseeing tour bus.

### **Earned Media**

8. KM will implement an earned and social media outreach campaign to create interest in and awareness of the upcoming claims deadline. The earned media program will feature:

a. Media outreach (via email and phone) to relevant print publications and websites, including travel and leisure news sources and other relevant media outlets.

b. Sponsored news feed advertising on Facebook. Targeting may include travel, travel and leisure, Travel Channel, sightseeing, tour bus, frequent travelers, or leisure travelers.

c. Sponsored Tweets on Twitter targeting users based on keywords, television conversations, interests, or followers. Targeting may include tourbus, sightseeing, Anthony Bourdain, or @TravelChannel.

d. Keyword search advertising to help search engine users locate the informational website about this case – both those specifically looking for it and those looking for related topics.

### **CONCLUSION**

9. The Supplemental Notice Program adheres to the standards employed by KM to generate awareness of the Settlement and stimulate claims leading up to the claims deadline.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. this 20th day of November 2014.

A handwritten signature in dark ink, appearing to read "Shannon R. Wheatman", followed by a long, sweeping horizontal line that extends to the right.

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Shannon R. Wheatman

# **EXHIBIT 1**

To:  
From: NYC Hop-On, Hop-Off Settlement Administrator  
Subject: Refund Reminder - NYC Hop-On, Hop-Off Bus Tour

**Reminder to File a Claim for a Payment From the  
Hop-On, Hop-Off Bus Tour Settlement:  
Get a Refund of Up to \$<<AMOUNT>>**

You may have previously received or seen notice of the New York City “hop-on, hop-off” bus tour Settlement. This is a reminder that you are eligible to receive a payment of up to \$<<AMOUNT>>.

**Who’s Included?** Records show you purchased at least one ticket for a Gray Line or CitySights “hop-on, hop-off” bus tour in New York City between February 1, 2009 and June 16, 2014.

**What Can I Get?** You are eligible to receive \$20 for each eligible ticket you purchased.

**How to Get a Payment.** File a Claim Form by mail or online to get a payment. Please use the PIN number below when filling out your Claim Form.

Your PIN Number is: <<PIN NUMBER>> Calculated Payment = up to \$<<AMOUNT>>

**Submit a Claim Form by January 19, 2015.**

**For More Information or to File a Claim:** 1-866-431-9265 [www.TourBusSettlement.com](http://www.TourBusSettlement.com)

*Court-Ordered Legal Notice*

NYC HOP-ON, HOP-OFF  
BUS TOUR SETTLEMENT  
PO BOX 1902  
FARIBAULT, MN 55021-1935

**Reminder to File a Claim for a Payment From the  
Hop-On, Hop-Off Bus Tour Settlement**

Your PIN number is: <<PIN\_NUMBER>>

Calculated Payment = up to \$<<AMOUNT>>

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE  
PAID  
Rust Consulting, Inc.

NAME  
ADDRESS  
CITY STATE ZIP CODE

# **File a Claim Now to Get a Refund of Up to \$<<AMOUNT>>**

You may have previously received or seen notice of the New York City “hop-on, hop-off” bus tour Settlement. This is a reminder that you are eligible to receive a payment of up to \$<<AMOUNT>>.

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**[www.TourBusSettlement.com](http://www.TourBusSettlement.com)**